

[108H1430]

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(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. _____

To amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent if the same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. MALONEY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent if the same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Family and Medical
3 Leave Inclusion Act”.

4 **SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, PAR-**
5 **ENT-IN-LAW, ADULT CHILD, SIBLING, OR**
6 **GRANDPARENT.**

7 (a) LEAVE REQUIREMENT.—Section 102 of the Fam-
8 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
9 amended—

10 (1) in subsection (a)(1)(C), by striking “spouse,
11 or a son, daughter, or parent of the employee, if
12 such spouse, son, daughter, or parent” and inserting
13 “spouse (including a same-sex spouse as determined
14 under applicable State law), son, daughter, domestic
15 partner, parent-in-law, adult child, sibling, grand-
16 parent, or parent of the employee if such spouse,
17 son, daughter, domestic partner, parent-in-law, adult
18 child, sibling, grandparent, or parent”; and

19 (2) in subsection (e)(2)(A), by striking “spouse,
20 or parent” and inserting “spouse (including a same-
21 sex spouse as determined under applicable State
22 law), domestic partner, parent-in-law, adult child,
23 sibling, grandparent, or parent”.

24 (b) CERTIFICATION.—Section 103 of the Family and
25 Medical Leave Act of 1993 (29 U.S.C. 2613) is
26 amended—



1 (1) in subsection (a), by striking “spouse, or
2 parent” and inserting “spouse (including a same-sex
3 spouse as determined under applicable State law),
4 domestic partner, parent-in-law, adult child, sibling,
5 grandparent, or parent”;

6 (2) in subsection (b)(4)(A), by striking “spouse,
7 or parent and an estimate of the amount of time
8 that such employee is needed to care for the son,
9 daughter, spouse, or parent” and inserting “spouse
10 (including a same-sex spouse as determined under
11 applicable State law), domestic partner, parent-in-
12 law, adult child, sibling, grandparent, or parent and
13 an estimate of the amount of time that such em-
14 ployee is needed to care for such spouse, domestic
15 partner, parent-in-law, adult child, sibling, grand-
16 parent, or parent”; and

17 (3) in subsection (b)(7), by striking “parent, or
18 spouse” and inserting “domestic partner, parent-in-
19 law, adult child, sibling, grandparent, parent, or
20 spouse (including a same-sex spouse as determined
21 under applicable State law)”.

22 (c) EMPLOYMENT AND BENEFITS PROTECTION.—
23 Section 104(c)(3) of the Family and Medical Leave Act
24 of 1993 (29 U.S.C. 2614(c)(3)) is amended—



1 (1) in subparagraph (A)(i), by striking “spouse,
2 or parent” and inserting “spouse (including a same-
3 sex spouse as determined under applicable State
4 law), domestic partner, parent-in-law, adult child,
5 sibling, grandparent, or parent”; and

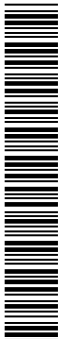
6 (2) in subparagraph (C)(ii), by striking
7 “spouse, or parent” and inserting “spouse (including
8 a same-sex spouse as determined under applicable
9 State law), domestic partner, parent-in-law, adult
10 child, sibling, grandparent, or parent”.

11 **SEC. 2. FEDERAL EMPLOYEES.**

12 (a) LEAVE REQUIREMENT.—Section 6382 of title 5,
13 United States Code, is amended—

14 (1) in subsection (a)(1)(C), by striking “spouse,
15 or a son, daughter, or parent of the employee, if
16 such spouse, son, daughter, or parent” and inserting
17 “spouse (including a same-sex spouse as determined
18 under applicable State law), son, daughter, domestic
19 partner, parent-in-law, adult child, sibling, grand-
20 parent, or parent of the employee if such spouse,
21 son, daughter, domestic partner, parent-in-law, adult
22 child, sibling, grandparent, or parent”; and

23 (2) in subsection (e)(2)(A), by striking “spouse,
24 or parent” and inserting “spouse (including a same-
25 sex spouse as determined under applicable State



1 law), domestic partner, parent-in-law, adult child,
2 sibling, grandparent, or parent”.

3 (b) CERTIFICATION.—Section 6383 of title 5, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “spouse, or
6 parent” and inserting “spouse (including a same-sex
7 spouse as determined under applicable State law),
8 domestic partner, parent-in-law, adult child, sibling,
9 grandparent, or parent”; and

10 (2) in subsection (b)(4)(A), by striking “spouse,
11 or parent, and an estimate of the amount of time
12 that such employee is needed to care for such son,
13 daughter, spouse, or parent” and inserting “spouse
14 (including a same-sex spouse as determined under
15 applicable State law), domestic partner, parent-in-
16 law, adult child, sibling, grandparent, or parent, and
17 an estimate of the amount of time that such em-
18 ployee is need to care for such son, daughter,
19 spouse, domestic partner, parent-in-law, adult child,
20 sibling, grandparent, or parent”.

